

# Family Educational Rights and Policy

## Policy Statement

The Family Educational Rights and Privacy Act of 1974 is a federal law which states that a written institutional policy must be established, and that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records.

Marywood University accords all the rights under the law to eligible students. No one outside the institution shall have access to nor will the University disclose any information from a student's education records without the written consent of the student except as permitted under the Act. Examples of sanctioned release without prior consent are: to personnel within the institution, to officials of other institutions in which the student seeks to enroll, to persons or organizations providing the student financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons.

Within the Marywood University community, only those members, individually or collectively, acting in the student's educational interest are allowed access to student education records. These members include personnel in the administrative offices that maintain student records, and academic/student affairs personnel within the limitations of their need to know. Should a question occur about accessibility, the vice president of the area concerned should be consulted.

At its discretion, the University may provide directory information in accordance with the provisions of the Act to include: student name, address, telephone number, e-mail address, dates of attendance, class, enrollment status, previous institution(s) attended, major field of study, awards, honors degree(s) conferred (including dates). Students may withhold directory information by notifying the Registrar on the appropriate form. Request for non-disclosure will be honored by the University until the student acts to rescind the non-disclosure request.

The law provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decision of the hearing panel is unacceptable. The Registrar at Marywood University has been designated to coordinate the inspection and review procedures for student education records, which include admissions, personal, academic, and financial files, and academic, cooperative education, and placement records.

A student wishing to review his or her education records must make a written request to the officer responsible for the maintenance of the record concerned listing the item or items of interest. Records covered by the Act will be made available for review within forty-five days of the request. Copies of records are normally provided only in cases where a failure to do so would prevent the student from reviewing the record. Marywood University reserves the right to refuse a student a copy of his or her transcript if the student has a financial indebtedness to the University or if the original or source document exists elsewhere. Copies provided to the student are made at the student's expense at prevailing rates.

Education records do not include records of instructional, administrative, and educational personnel that are the sole possession of the maker and are not accessible or revealed to any individual, except a substitute who performs on a temporary basis the duties of the individual who made the record; records of the law enforcement unit; student health records; employment records; or alumni records. Health records, however, may be reviewed by physicians of the student's choosing.

Students may not inspect and review the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record that pertains to the inquiring student. The institution is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

A student who believes that an education record contains information that is inaccurate or misleading, or is otherwise in violation of his or her privacy or other rights may discuss the problem informally with the officer responsible for the maintenance of that record. If the decision is in agreement with the student's request, the appropriate record(s) will be amended. If not, the student will be notified within a reasonable period of time that the record(s) will not be amended; and will be informed by the vice president of the area concerned of his or her right to a formal hearing. A student's request for a formal hearing must be made in writing to the appropriate vice president/provost who, within a reasonable period of time after receiving such request, will inform the student of the date, place, and time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student's expense. The hearing panel that will adjudicate such challenges will be the vice president/provost of the area concerned and four individuals appointed by the President of the University. These persons will be selected according to the nature of the particular case.

Decision of the hearing panel will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decision, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decision of the hearing panel, if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with his or her education record statements commenting on the information in records, or statements setting forth any reasons for disagreeing with the decision of the hearing panel. The statements will be placed in the education records, maintained as part of the student's record, and released whenever the record in question is disclosed.

Students who believe that the adjudication of their challenges were unfair, or not in keeping with the provision of the Act may request, in writing, assistance from the President of the University. Further, students who believe that their rights have been abridged, may file complaints with The Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-8520, concerning the alleged failures of Marywood University to comply with the Act.

Revisions and clarifications will be published as experience with the law and Marywood University's policy warrants.

The Registrar Office maintains a list of offices that maintain ownership of student records.

## **Related Policies**

2.302.2 Statement of Responsibility re Confidentiality of Student Academic Records

### **History**

1980 – Approved by the President

11/06/98 – Revised to add responsibility of Director of Network Services for e-mail addresses

10/26/17 – Clarification of policy statements and notification that the Registrar Office maintains the list of offices and student records approved by the President of the University as recommended by the Policy Committee of the University.

**MARYWOOD UNIVERSITY  
POLICIES AND PROCEDURES MANUAL**

Mary Theresa Gardier Paterson, Esquire  
Secretary of the University and General Counsel